



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

Minutes
January 12, 2016
APPROVED

Present:

BM: Brian Martin **ES:** Ed Smith **JK:** Jeff Kablik **JE:** Jerry Earl **LB:** Linda Bown
PM: Pat Mical **MM:** Matt Marro

Attachments:

1. Agenda
2. 111 & 115 Middlesex Rd. (Tyngsboro Crossing) Notice of Intent Filing
3. 111 & 115 Middlesex Rd. (Tyngsboro Crossing) Site Plans – 1/4/16
4. 111 & 115 Middlesex Rd. (Tyngsboro Crossing) PSC Peer Rvw. Report – 12/8/15
5. 111 & 115 Middlesex Rd. (Tyngsboro Crossing) Grading Plan – 10/27/15
6. Meisner Brem Letter for 422 Middlesex Rd. – 1/5/16
7. R.O.W. along B & M Railroad Req. for Certificate of Compliance –
8. 20 Upton Dr. Pictometry Photo & Director's Determination email – 12/16/15
9. 40R Smart Growth Overlay District proposal Materials

7:00pm Chairman BM opened meeting

7:03pm **111 & 115 Middlesex Rd. (M27, P1-0 & 1-1) – Notice of Intent/Stormwater Management Permit, DEP# 309-0890** for the proposed development of 120 townhouse style duplex units in 60 buildings on 14.1 acres of land. *Advertised in the Lowell Sun, Tuesday January 5, 2016.*

JK: Motion to waive the reading of the abutters list and legal notice.

ES: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

Engineer Steve Eriksen appeared before the Commission. Mr. Eriksen explained that this project will consist of 60 two-family dwellings on a large open field and is connected to the previously approved Tyngsboro Crossing 40B project. Only two of the 60 buildings fall within the 100' buffer zone to a BVW and 200' riverfront area; however, this filing is also for a Stormwater Management Permit encompassing the entire project.

Mr. Eriksen explained that this project will remove 94% of the Total Suspended Solids (TSS) and there will be 3,800 s.f. of disturbance (detention pond), which is under the 10% allowed. Natural Heritage is still reviewing the filing and hasn't rendered their findings yet.

MM reported that this project is in front of the ZBA for a Comprehensive Permit, and has been reviewed by their engineer for Stormwater. MM also noted the cumulative encroachment on the riverfront, as it must not go over 10%, which it does not as the encroachment is at the current 8%. The DEP agreed with this assessment as well. There were no abutters present to speak for or against this project. Since Natural Heritage has not issued their report, the Commission decided to continue this hearing.

ES: Motion to continue this hearing until January 26, 2016

PM: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

7:40pm 422 Middlesex Rd. (M12, P29A) – Request for an Extension Permit for Order of Conditions, DEP# 309-0821. Order of Conditions issued February 2, 2013.

MM reported that this Order of Conditions will be expiring on February 2, 2016, and must be extended in order to be valid. He went on to say that Meisner Brem representative Jeff Brem told him that the property owners are working on securing a buyer for the property and hopes a proposed project will be coming forward in the future.

ES: Motion to approve a 3 year extension to the Order of Conditions, for 422 Middlesex Rd., DEP# 309-0821.

JE: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

Certificates of Compliance

1. **R.O.W. along B & M Railroad – Request for Certificate of Compliance, DEP# 309-195.** Order of Conditions issued April 10, 1991.

MM explained that this is an old Order of Conditions for maintenance work along the railroad tracks on Middlesex Rd. The work has been completed a long time ago and can be closed out.

JE: Motion to approve a Certificate of Compliance for R.O.W. along B & M Railroad, DEP# 309-195.

JK: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

Director's Determinations

1. 20 Upton Dr (M20A, P33, L0) – Tree removal

MM reported that there are 3 aging white pine trees along the shoreline that the homeowner wants to remove. There will be no stumping.

JE: Motion to approve the Director's Determination for 20 Upton Dr.

PM: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

Director's Reports

1. **Flint Pond Subcommittee Report:** Chaz Doughty appeared before the Commission. The Board of Selectmen have formed this subcommittee in order to work on cleaning up Flint Pond. Mr. Doughty is on this committee as are MM and ES from the Conservation Commission. Mr. Doughty is requesting support from the Commission with the subcommittee's efforts to clean up Flint Pond. The Commission understands the serious condition of Flint Pond and support these efforts. The Commission suggested that MM draft a letter of support to the Board of Selectmen.
2. **Conservation Restriction – Charles George:** MM did a field study report and is still working with the attorney on drafting a Conservation Restriction for the 15 acres.

Discussion/Reports

1. **40R Smart Growth Overlay District – Lakeview Ave./Frost Rd.:** MM reported that he received a request for comments from the Board of Selectmen regarding a proposal they received for a Smart Growth Overlay District that would include residential and commercial buildings. MM reported that the parcels in question have extensive wetlands and would therefore need filings with the Commission. The Commission added that this project would have major stormwater and wetlands impacts and agreed with MM's comments at this time.
2. **Sherburne Nature Center/Trails Committee Report:** No Report
3. **Open Space:** No Report

Administrative

1. Minutes

ES: Motion to approve the minutes from 12/15/15 as written.

JE: 2nd the motion

In Favor: 5 Opposed: 0 Abstain: 1

Passes: 5-0-1

8:30pm

JE: Motion to adjourn

JK: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant